

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)**

THURSDAY, THE TWENTY NINTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HON'BLE SRI JUSTICE C. V. BHASKAR REDDY

WRIT PETITION NOS: 3199, 3214, 3218, 3219 AND 3220 OF 2024

WP NO.3199 OF 2024:

Between:

M/s. Nakshatra, A Partnership Firm registered under Indian Partnership Act, 1932 Flat No.206, H.No.1-2-608, Jalvayu Towers, Gandhinagar, Hyderabad-500080, Telangana, Rep. by its Managing Partner/Authorized Signatory, Smt. B. Neeraja.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Secretary, Department of Employment and Training, At Secretariat, Hyderabad.
2. The District Collector, Hyderabad District, District Collector Office at Hyderabad, Telangana State.
3. The District Employment Officer, ITI Campus, Shanti Nagar, Masab Tank, Hyderabad, Telangana State.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate Writ. order or direction more particularly one in the nature of Writ of Mandamus to grant an order, direction or writ, more so in the nature of Mandamus, declaring the action of the Respondent No.3 in finalizing the Tender No.NIT.No.G6/Outsourcing/2020/2024-25 dated 21/12/2023 without scrutinizing the Tender Application received from the Petitioner Firm on 12/01/2024 along with necessary documents, as illegal, arbitrary and in violation of Article 14 and 19 (1) (g) of Constitution of India and against the principles of natural justice and equity and also consequently, direct the Respondent No.3 to scrutinize the Tender Application received from the Petitioner Firm in the Tender Process and to consider the Petitioner Firm for selection of Registered Outsourcing Agency, pursuant to Tender No.NIT.No.G6/Outsourcing /2020/2024-25 dated 21/12/2023 in the interest of justice

IA NO: 1 OF 2024

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay all further proceedings pursuant to Tender No.NIT.No.G6/Outsourcing/2020/2024-25 dated 21/12/2023 pending before Respondent No.3. in the interest of justice

Counsel for the Petitioner: SRI ROHIT POGULA

Counsel for Respondent Nos. 1 & 3: GP FOR EMPLOYMENT TRAINING

Counsel for Respondent No. 2: GP FOR REVENUE

WP NO: 3214 OF 2024

Between:

M/s. Sahasra, A Partnership Firm registered under Indian Partnership Act, 1932 Flat No.F-402, H.No.1-2-608, Jalvayu Towers, Gandhinagar, Hyderabad-500080, Telangana, Rep. by its Managing Partner/Authorized Signatory Smt. S. Savithramma.

AND

...PETITIONER

1. The State of Telangana, Rep. by its Secretary, Department of Employment and Training, At Secretariat, Hyderabad.
2. The District Collector, Hyderabad District, District Collector Office at Hyderabad, Telangana State.
3. The District Employment Officer, ITI Campus, Shanti Nagar, Masab Tank, Hyderabad, Telangana State.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate Writ, order or direction more particularly one in the nature of Writ of Mandamus to grant an order, direction or writ, more so in the nature of Mandamus, declaring the action of the Respondent No.3 in finalizing the Tender No.NIT.No.G6/Outsourcing/2020/2024-25 dated 21/12/2023 without scrutinizing the Tender Application received from the Petitioner Firm on 12.01.2024 along with necessary documents, as illegal, arbitrary and in violation of Article 14 and 19 (1) (g) of Constitution of India and against the principles of natural justice and equity and also consequently, direct the Respondent No.3 to scrutinize the Tender Application received from the Petitioner Firm in the Tender Process and to consider the Petitioner Firm for selection of Registered Outsourcing Agency, pursuant to Tender No.NIT.No.G6/Outsourcing /2020/2024-25 dated 21/12/2023 in the interest of justice and pass

IA NO: 1 OF 2024

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay all further proceedings pursuant to Tender No.NIT.No.G6/Outsourcing/2020/2024-25 dated 21/12/2023 pending before Respondent No.3, in the interest of justice

Counsel for the Petitioner(s): SRI. ROHIT POGULA

Counsel for the Respondents: GP FOR EMPLOYMENT TRAINING

WP NO: 3218 OF 2024

Between:

M/s. JAGADEESH, A Partnership Firm registered under Indian Partnership Act, 1932 Flat No.F-404, H.No.1-2-608, Jalvayu Towers, Gandhinagar, Hyderabad-500080, Telangana, Rep. by its Managing Partner/Authorized Signatory Smt. S. Sobha

AND

...PETITIONER

1. The State of Telangana, Rep. by its Secretary, Department of Employment and Training. At Secretariat, Hyderabad.
2. The District Collector, Hyderabad District, District Collector Office at Hyderabad. Telangana State.
3. The District Employment Officer, ITI Campus, Shanti Nagar, Masab Tank, Hyderabad, Telangana State.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to be urged at the time of hearing, the Petitioner prays that this Honorable Court may be pleased to issue an appropriate Writ, order or direction more particularly one in the nature of Writ of Mandamus to grant an order, direction or writ, more so in the nature of Mandamus, declaring the action of the Respondent No.3 in finalizing the Tender No. NIT.No.G6/Outsourcing/2020/2024-25 dated 21.12.2023 without scrutinizing the Tender Application received from the Petitioner Firm on 12.01.2024 along with necessary documents, as illegal, arbitrary and in violation of Article 14 and 19 (1) (g) of Constitution of India and against the principles of natural justice and equity and also consequently, direct the Respondent No.3 to scrutinize the Tender Application received from the Petitioner Firm in the Tender Process and to consider the Petitioner Firm for selection of Registered Outsourcing Agency, pursuant to Tender No.NIT.No.G6/Outsourcing /2020/2024-25 dated 21.12.2023 in the interest of justice

IA NO: 1 OF 2024

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay all further proceedings pursuant to Tender No.NIT.No.G6/Outsourcing/2020/2024-25 dated 21.12.2023 pending before Respondent No.3, in the interest of justice

Counsel for the Petitioner(s):SRI. ROHIT POGULA

Counsel for the Respondents: GP FOR EMPLOYMENT TRAINING

WP NO: 3219 OF 2024

Between:

M/s. CENTRE OF EXCELLENCE, A Partnership Firm registered under Indian Partnership Act, 1932 Flat No.101, Mekri The Residency, Ashoknagar, Hyderabad-500020, Telangana, Rep. by its Managing Partner/Authorized Signatory, Smt. B. Deepika

...PETITIONER

AND

1. The State of Telangana, Rep. by its Secretary, Department of Employment and Training, At Secretariat, Hyderabad.
2. The District Collector, Hyderabad District, District Collector Office at Hyderabad, Telangana State.
3. The District Employment Officer, ITI Campus, Shanti Nagar, Masab Tank, Hyderabad, Telangana State.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate Writ, order or direction more particularly one in the nature of Writ of Mandamus to grant an order, direction or writ, more so in the nature of Mandamus, declaring the action of the Respondent No.3 in finalizing the Tender No.NIT.No.G6/Outsourcing/2020/2024-25 dated 21.12.2023 without scrutinizing the Tender Application received from the Petitioner Firm on 12.01.2024 along with necessary documents, as illegal, arbitrary and in violation of Article 14 and 19 (1) (g) of Constitution of India and against the principles of natural justice and equity and also consequently, direct the Respondent No.3 to scrutinize the Tender Application received from the Petitioner Firm in the Tender Process and to consider the Petitioner Firm for selection of Registered Outsourcing Agency, pursuant to Tender No.NIT.No.G6/Outsourcing /2020/2024- 25 dated 21.12.2023 in the interest of justice

the successful contractors for supply of outsourcing as per the tenders issued by the respondents herein. It is the further case of the petitioners that the third respondent issued tender notification No.NIT.No.G6/Outsourcing/2020/2024-25, dated 21.12.2023 calling applications for registered outsourcing agencies to provide the services to different government institutions informing that the applications are made available at the office of the third respondent and application forms are required to be submitted to the office of the third respondent before 5.00 pm on 12.01.2024. The case of the petitioners is that they have obtained the tender applications from the office of the third respondent and after fulfilling all the requirements including furnishing demand draft for Rs.10,00,000/- towards bid security in terms of tender application, the petitioners have submitted tender applications on 12.01.2024 at 5.00 pm. It is also their case that such tender applications submitted by the petitioners were opened for scrutiny on 17.01.2024 but the petitioners have not received any information in response to the tender applications submitted by the petitioners, either rejecting tender application or accepting the same in terms of the tender notification, dated 21.12.2023. The grievance of the petitioners is that they are fully eligible and qualified as they fulfilled all the

conditions of tender notification, dated 21.12.2023, but, however, the respondents, without furnishing any information, has opened the tender applications submitted by the petitioners and no reasons whatsoever have been assigned so far.

3. In the circumstances, this Court, without expressing any opinion on the entitlement of the petitioners for allotment of outsourcing agency as per the tender notification, dated 21.12.2023, deems it appropriate to dispose of these Writ Petitions directing the respondents to examine the tender applications and take a decision on the tender applications submitted by the petitioners by assigning the reasons and communicate the decision to the petitioners within a period of two (2) weeks from the date of receipt of a copy of this order.

4. With the above observations, all the five Writ Petitions are disposed of.

There shall be no order as to costs. Miscellaneous applications, if any, pending shall stand closed.

SD/- C. PRAVEEN KUMAR
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Secretary, Department of Employment and Training, State of Telangana, At Secretariat, Hyderabad.
2. The District Collector, Hyderabad District, District Collector Office at Hyderabad, Telangana State.
3. The District Employment Officer, ITI Campus, Shanti Nagar, Masab Tank, Hyderabad, Telangana State.
4. One CC to Sri Rohit Pogula Advocate [OPUC]
5. Two CCs to GP For Employment Training, High Court for the State of Telangana. [OUT]
6. Two CCs to GP For Revenue, High Court for the State of Telangana. [OUT]
7. Two CD Copies

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THE HON'BLE SRI JUSTICE C.V. BHASKAR REDDY

WRIT PETITION NOS.3199, 3214, 3218, 3219

AND 3220 OF 2024

COMMON ORDER:

In this batch of Writ Petitions, as the petitioners are similarly engaged in the business activities of supplying manpower recruitment and outsourcing services, all the five Writ Petitions are taken up together for disposal.

2. The case of the petitioners is that they are the partnership firms registered under the Indian Partnership Act, 1932 on the file of the Registrar of Firms, Hyderabad *vide* Regn.No.98 of 2017, dated 12.01.2017, Regn.No.583 of 2015, dated 20.03.2015, Regn.No.2567 of 2007, dated 12.07.2007, Regn.No.400 of 2020, dated 18.05.2020 and Regn.No.491 of 2020, dated 17.06.2020 respectively. It is their further case that, since long time, the petitioners are rendering outsourcing services/manpower to the respondent-organizations by supplying manpower to the various organizations as per the tenders issued by the respondents herein. The third respondent has selected the petitioners for appointment/empanelment as Outsourcing Agency to provide the services to Insurance Medical Services Department. Earlier also, the petitioners were

IA NO: 1 OF 2024

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Counsel for the Petitioner(s):SRI. ROHIT POGULA

Counsel for the Respondents: GP FOR EMPLOYMENT TRAINING

WP NO: 3220 OF 2024

Between:

M/s. Inspire India, A Partnership Firm registered under Indian Partnership Act, 1932 Flat No.101, H.No.1-1-293/293/A, Ashok Nagar, Gandhinagar, Hyderabad-500080, Telangana, Rep. by its Managing Partner/Authorized Signatory, Smt. B. Deepika.

AND

...PETITIONER

1. The State of Telangana, Rep. by its Secretary, Department of Employment and Training, At Secretariat, Hyderabad.
2. The District Collector, Hyderabad District, District Collector Office at Hyderabad, Telangana State.
3. The District Employment Officer, ITI Campus, Shanti Nagar, Masab Tank, Hyderabad, Telangana State.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate Writ, order or direction more particularly one in the nature of Writ of Mandamus to grant an order, direction or writ, more so in the nature of Mandamus, declaring the action of the Respondent No.3 in finalizing the Tender No.NIT.No.G6/Outsourcing/2020/2024-25 dated. 21.12.2023 without scrutinizing the Tender Application received from the Petitioner Firm on 12.01.2024 along with necessary documents, as illegal, arbitrary and in violation of Article 14 and 19 (1) (g) of Constitution of India and against the principles of natural justice and equity and also consequently, direct the Respondent No.3 to scrutinize the Tender Application received from the Petitioner Firm in the Tender Process and to consider the Petitioner Firm for selection of Registered Outsourcing Agency, pursuant to Tender No.NIT.No.G6/Outsourcing /2020/2024-25 dated 21.12.2023 in the interest of justice

IA NO: 1 OF 2024

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay all further proceedings pursuant to Tender No.NIT.No.G6/Outsourcing/2020/2024-25 dated 21.12.2023 pending before Respondent No.3, in the interest of justice

Counsel for the Petitioner(s):SRI. ROHIT POGULA

Counsel for the Respondents: GP FOR EMPLOYMENT TRAINING

The Court made the following: ORDER

HIGH COURT

DATED: 29/02/2024



COMMON ORDER

WP NOS: 3199, 3214, 3218, 3219 AND 3220 OF 2024

DISPOSING OF THE WRIT PETITIONS

WITHOUT COSTS

⑪ Copies

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11/3/24